

I. New responsibilities for all cases

1. Immediate environmental concern (IEC)¹ - Overall process

Action	When	Forms and other submittals	Other sources of info	Rule citations
Call the assigned case manager if there is one, or call the hotline ^{2,3}	Immediately after IEC condition ¹ is identified	None	1-877 WARNDP or 1-877-927-6773	7:26E-1.4(b)
If the IEC is not related to the site: <ul style="list-style-type: none"> Call the case manager if there is one, or call the hotline immediately, and Submit IEC Response Action Form with 5 days. 	Within 5 days of identifying IEC condition	Submit the IEC Response Action Form with information about the IEC condition and the contaminant source. Include documentation supporting the conclusion that the IEC is not related to the site.	IEC Guidance	7:26E-1.4(c)
IEC is related to the site: <ul style="list-style-type: none"> If new case⁴ hire an LSRP (if not already hired) If existing case⁴ (not opting in) you do not have to hire an LSRP 	Within 5 days of identifying IEC condition	LSRP Retention or Dismissal Form	Submit to: NJDEP Case Assignment/Initial Notice 401 E State St PO Box 434 Trenton, New Jersey 08625-0434 Link to list of LSRPs with Temp licenses	7:26C-2
Ongoing requirement - Notify impacted property owners of analytical results: <ul style="list-style-type: none"> If LSRP is hired - LSRP notifies and sends copies to the case manager If no LSRP is hired - The Department sends notification 	Within 5 days of identifying IEC condition	Provide the case manager with a copy of the notification letters.	IEC Guidance	

Mitigate impacts of IEC as applicable <ul style="list-style-type: none"> • Provide bottled water • Mitigate infiltration of vapors • Restrict access to acute contamination soil 	Within 5 days of identifying IEC condition	None	IEC Guidance Vapor Intrusion Guidance (VIG)	7:26E-1.14(a)
Discuss mitigation actions with the case manager and submit forms, data and a map to the case manager.	Within 5 days of identifying IEC condition	Submit one electronic copy of the following to Case Assignment/Initial Notice via email, and one hard copy via mail to follow. <ul style="list-style-type: none"> • IEC Response Action Form IEC Information Spreadsheet_(no hard copy needed) <ul style="list-style-type: none"> ○ Potable Water ○ Vapor Intrusion <ul style="list-style-type: none"> • A map of site and IEC condition • Analytical results with full laboratory data deliverables with a Full Laboratory Data Deliverables Form (no electronic copy needed) 	IEC Guidance GIS Mapping Guidance link	7:26E-1.14(b)
Ongoing requirement - Submit analytical data to the case manager	Within 5 days of identifying IEC condition or receiving analytical data	Analytical results with full laboratory data deliverables with a Full Laboratory Data Deliverables Form (no electronic copy needed) to Case Assignment/Initial Notice	IEC Guidance	
Submit analytical results of all indoor air sampling to the NJ Dept of Health and Senior Services	Within 5 days of identifying IEC condition or receiving	None	NJDHSS Indoor Environments Program 135 E. State St PO Box 369	7:26E-1.14(a)

	analytical data		4th Floor Trenton, NJ 08625-0369 Attn: Director	
Implement IEC engineered system response action <ul style="list-style-type: none"> • Provide water treatment or an alternative water supply • Install VI mitigation systems • Or otherwise reduce exposure to hazardous conditions 	Within 60 days of identifying IEC condition	Submit updated <u>IEC Information Spreadsheet</u> , <u>IEC Information Spreadsheet</u> (no hard copy needed) <ul style="list-style-type: none"> ○ Potable Water ○ Vapor Intrusion map of site and IEC condition as directed by the case manager	IEC Guidance and Vapor Intrusion Guidance (VIG) POET Specification Guidance	7:26E-1.14 (b)
Ongoing requirement: “Step out” - Sample next round(s) of potentially impacted wells/structures	Within 60 days of identifying IEC condition or 60 days from the last round of sampling	Repeat steps and reporting as noted above: contact case manager and mitigate impacts etc.	IEC Guidance	
Submit engineered system response action report to the case manager <ul style="list-style-type: none"> • Describe all completed engineered system response actions • A summary of all analytical data related to the IEC • All related IEC maps and figures • A description of contaminant source control that is expected to be implemented • A GIS compatible map of the estimated area of ground water 	Within 120 days of identifying IEC condition	Submit one electronic copy of the following to Case Assignment/Initial Notice and the case manager via email, and one hard copy to Case Assignment/Initial Notice via mail to follow. <ul style="list-style-type: none"> • IEC Response Action Form • Engineered system response action report • <u>Updated IEC Information Spreadsheet</u> (no hard copy needed) <ul style="list-style-type: none"> ○ Potable Water ○ Vapor Intrusion • Updated map of site and IEC condition 	IEC Guidance and Vapor Intrusion Guidance (VIG) GIS Mapping Guidance link	7:26E-1.14(c)

contamination				
Initiate control of the IEC contaminant source	Within 270 days after identifying the IEC condition ⁵	None	IEC Guidance	7:26E-1.14(d)
Complete the delineation of the IEC contaminant source	Within 270 days after identifying the IEC condition	None	IEC Guidance	7:26E-1.14(d)
Submit to the Department IEC contaminant source control report <ul style="list-style-type: none"> • Remedial actions being implemented to remediate the IEC contaminant source • Mitigation system monitoring plan • Monitoring plan for the wells or structures impacted by the IEC condition 	Within 270 days after identifying the IEC condition	Submit one electronic copy of the following to Case Assignment/Initial Notice and the case manager via email, and one hard copy to Case Assignment/Initial Notice via mail to follow. <ul style="list-style-type: none"> • IEC Response Action Form • IEC contaminant source control report • Updated IEC Information Spreadsheet (no hard copy needed) <ul style="list-style-type: none"> ○ Potable Water ○ Vapor Intrusion • Updated map of site and IEC condition 	IEC Guidance Vapor Intrusion Guidance (VIG)	7:26E-1.14(d)

Footnotes

1. What conditions constitute an IEC?

Impacted Media	Concentration or Condition
Potable Water	Concentrations at or above the Class II ground water remediation standards (even in the Pinelands and other Class I ground water areas)
Indoor air of an occupied building	A level greater than any vapor intrusion indoor air screening level
Occupied or confined space	Contamination in a confined space producing a toxic or harmful atmosphere

	resulting in an unacceptable human health exposure, or producing an oxygen-deficient atmosphere, or resulting in demonstrated physical damage to essential underground services
Soil	Contamination that exceeds the Department's acute human health exposure levels in surface soil (top 2 feet) such that dermal contact, ingestion, or inhalation of the contamination could result in an acute human health exposure
Any other condition that poses an immediate threat to public health.	

2. The call to the case manager or hotline is critical and will allow the Department to enter the IEC into its computer system, ensure that a case manager is assigned and track the mitigation and remediation of the IEC.

All IEC conditions must be called in. This requirement applies when IEC conditions exist at any case. This requirement applies whether the IEC is identified before or after November 4, 2009. For cases where the IEC was previously identified but not called in, the Department will not penalize for the exceedance of the 5 day reporting timeframe. The requirement to call in applies even when the remediating party does not believe that the IEC is related to their site.

3. The Department will assign a case manager for the IEC condition if one is not already assigned. There are no fees associated with IECs. The Department will bill for its oversight costs per N.J.A.C. 7:26C-4.5.

4. An “existing” case is one that meets the criteria at N.J.A.C. 7:26C-2.2(a), whereas a “new” case is one that meets the criteria at N.J.A.C. 7:26C-2.2(b).

5. The regulatory timeframe for this requirement is 270 days after March 1, 2010 (November 26, 2010), or 270 days after the IEC condition is identified, whichever is later. The corresponding mandatory timeframe is established by the ARRCs rules at N.J.A.C. 7:26C-3.3. The mandatory timeframe to initiate IEC source control is 1 year from March 1, 2010 or one year from the date that the IEC condition is identified. The person responsible for conducting the remediation may request the extension of regulatory or mandatory timeframes for good cause by submitting a [Remediation Timeframe Extension Request Form](#).

FAQs on this topic